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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,283	04/16/2004	Philippe Piret	01807.102296.	7930
5514 7590 09/25/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER ALPHONSE, FRITZ	
			ART UNIT 2112	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,283

Applicant(s)

PIRET ET AL.

Examiner

Fritz Alphonse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 11-13, 15-18 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 11-13 and 15-18 is/are allowed.
- 6) ☒ Claim(s) 22, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 23-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/11/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

0.1 This Office Action is in response to the amendment filed on 7/02/2007. Claims 1-5, 11-13, 15-18, 22-28 are amended.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22, 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US Pub. No. 2003/0188252).

As to claim 27, Kim discloses a device for decoding received symbols, comprising determination means for determining a current state of transmission (fig. 8; see paragraph [0089]); selection means for selecting one of a plurality of available decoding algorithms in accordance with the current state of the transmission determined by said determination means ([0085]); and decoding means for decoding the received symbols by using the selected decoding algorithm ([0012]).

As to claim 22, Kim discloses a method of decoding received symbols comprises the steps of determining a current state of transmission (fig. 8; see paragraph [0089]); selecting one of a plurality of available decoding algorithms in accordance with the current state of the transmission determined in said determining step ([0085]); and decoding the received symbols by using the selected decoding algorithm ([0012]).

As to claim 28, the claim differs from claim 22 by the additional limitation a computer program stored in a computer-readable medium comprising computer program code instructions. However, Kim (figs. 5-6) shows computer program code instructions capable of executing the steps of the decoding method of the claim 22.

Allowable Subject Matter

3. Claims 1, 11, 13 are allowed.

The closest art of record, Kim discloses an apparatus and method for receiving packet data control channel in a mobile communication system. However, Kim does not disclose the limitations of claims 1, 11 and 13.

Therefore, claims 1, 11 contain allowable subject matter because none of the cited references either singular or in combination discloses “ a method of coding information symbols according to a code defined on a Galois field F_q , where q is an integer greater than 2 and equal to a power of a prime number, and of length $n=p(q-1)$, where p is an integer greater than 1, comprising the steps of: a) choosing a p -tuple of integers (t_1, \dots, t_p) is chosen such that $q-1 > t_1 > t_2 > \dots > t_p > 0$, and a p -tuple of diagonal square matrices (Y_1, \dots, Y_p) of dimension $(q-1)$ on F_q such that, for any $i(1 \leq i \leq p)$, the p elements in position (i,i) of these matrices Y_1, \dots, Y_p are different in pairs.”

Claim 13 contains allowable subject matter because none of the cited references either singular or in combination discloses “ a device for decoding received words r resulting from the transmission of coded words v comprising: an error correction unit able to apply an error correction algorithm to each word received r , so as to supply at least one component \underline{u}_l (where $l=1, \dots, p$) of a post-associated word \underline{u} , and a redundancy elimination unit able to remove from

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the component u_1 the symbols situated at the positions identical to the positions of the component u_1 with the same/of the corresponding precoded word u , in which redundant symbols were placed at the time of coding.”

Claims 2-5, 12, 15, 17, 16 and 18 are allowed by virtue of dependency.

4. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 23 contains allowable subject matter because none of the cited references either singular or in combination discloses “a decoding method wherein said determining step includes determining whether or not a mean transmission error rate exceeds a predetermined threshold, and said selecting step includes selecting a first decoding algorithm if the mean transmission error rate is determined to exceed the predetermined threshold and selecting a second decoding algorithm is selected if the mean transmission error rate is determined not to exceed the predetermined threshold.”

Claims 24-26 would be allowed by virtue of dependency.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5, 11-13, 15-18 23-26 have been considered but are moot in view of the new ground(s) of rejection.

However, the examiner does not agree with the Applicant's arguments regarding claims 22, 27 and 28.

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Regarding claims 22 and 27-28, applicants asserts that “Nothing in Kim, however, would teach or suggest using this information to select among a plurality of decoding algorithms, as Kim only uses one type of decoder”

The Examiner respectfully disagrees because Kim [0011] provides an apparatus for selecting a data rate for received data from a plurality of cyclic redundancy code (CRC) check-passed candidate rates depending on a difference between metric values output from a variety of Viterbi decoder that is used for receiving a packet data control channel.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

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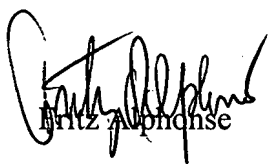
or faxed to: (703) 872-9306 for all formal communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824

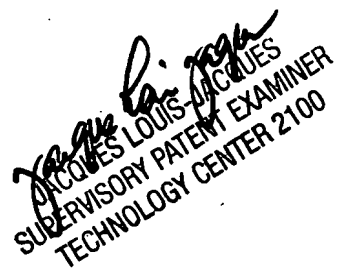
Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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September 10, 2007



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